



# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:  
Bruce A. Malcolm, et al.  
Serial No.: 10/679,987  
Filed: October 7, 2003  
For: CONTINUOUS NON-RADIOACTIVE  
POLYMERASE ASSAY

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Atty. Docket No.: JB01587

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to Rule 56, it is requested that the documents listed on the accompanying PTO-1449 Form be considered and made of record in the above-identified patent application. Copy(ies) of these references  are attached  were filed in related application U.S. Serial No(s) \_\_\_\_\_ filed \_\_\_\_\_, respectively.

(b)  No fee is believed due because:

- This Information Disclosure Statement is being filed within three (3) months of the filing date of the application.
- This Information Disclosure Statement is being concurrently filed with the above-identified application.
- This Information Disclosure Statement is being concurrently filed with a Request for Continued Examination (RCE).
- This Information Disclosure Statement is being filed prior to the mailing of a first Office Action on the merits.

(c)  This Information Disclosure Statement is being filed before the mailing date of any final action, notice of allowance or an action that otherwise closes prosecution; and

- Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or
- The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.

(d)  This Information Disclosure Statement is being filed on or before the payment of the issue fee; and

- Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; and
- The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.

The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 19-0395, Patent Case No. JB01587. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

SCHERING-PLOUGH CORPORATION

Dated: January 16, 2004

By:

Karen E. Brown  
Karen E. Brown

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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450 ON  
January 16, 2004  
(DATE OF DEPOSIT)

Karen E. Brown 1/16/04  
(SIGNATURE AND DATE)



JAN 22 2004

Sheet 1 of 1

FORM PTO-1449	U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO.: <b>JB01587</b>	SERIAL NO.: <b>10/679,987</b>
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT: <b>Bruce A. Malc Im, et al.</b>	
(Use several sheets if necessary)		FILING DATE: <b>10/07/2003</b>	GROUP:

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
AA	6,210,981 B1	04/03/01	Birdsley, et al.	438	9	
AB	6,383,768 B1	05/07/02	De Francesco, et al.	435	15	
AC	6,258,568 B1	07/10/01	Nyren	435	91.1	

## FOREIGN PATENT DOCUMENTS

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.